

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM	ISSUED	REVISED	CHAPTER	SECTION
	AT-RISK AFTER SCHOOL PROGRAMS POLICY & PROCEDURE MANUAL	7/1/03 8/06	1/12db 3/12 sjc	10	10.1
CHAPTER Chapter 10. Complaint and Appeal Procedures		SUBJECT Actions Which Can Be Appealed			

During the course of the CACFP contract with an institution, the Missouri Department of Health and Senior Services - Bureau of Community Food and Nutrition Assistance (MDHSS-BCFNA) may make determinations with which the center may not agree. For actions impacting the at-risk after school program, BCFNA will advise the institution of the grounds on which the actions are based. The notice of required action shall be sent certified mail to the center's executive director and chairman of the board of directors and the responsible principals/individuals. Also included will be a statement that the institution has the right to appeal the action.

An independent center or sponsoring organization (SO) may appeal decisions made by BCFNA. Actions that may be appealed are those that affect the participation of a center in the Program or the center's claim for reimbursement.

Actions which may be appealed include, but are not limited to:

- Denial of a center's application for participation;
- Denial of an application submitted by a sponsoring organization on behalf of a facility;
- Notice of proposed termination of the participation of a center;
- Notice of proposed disqualification of a responsible principal or responsible individual;
- Suspension of an center's contract;
- Denial of all or part of a claim for reimbursement;
- Demand for the remittance of an overpayment;
- Denial by the MDHSS-BCFNA to forward to the USDA Food and Nutrition Service (USDA-FNS) an exception request by the center or SO for payment of a late claim or a request for an upward adjustment to a claim, or demand for remittance of an overclaim; and
- Any other action of the state agency affecting a center's participation or its claim for reimbursement.

Actions not subject to appeal include:

- A decision by FNS to deny an exception request by a center for payment of a late claim or for an upward adjustment to a claim;
- A determination that a center is seriously deficient;
- Disqualification and placement on the National Disqualified List (NDL); and
- Termination of a participating center's contract based on the disqualification of the center by another State Agency or FNS.

Reference: 7 CFR 226.6(k)(2) and (3)